

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NO.2029 OF 1995

THE HON'BLE MR. JUSTICE Y.B. BHATT:

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1. Whether Reporters of Local Papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Appearance:

Mr. J.R. Shah, advocate for the petitioner.

Mr. K.C. Shah, advocate for the respondent nos.1 and 2.

CORAM: Y.B. BHATT J.

Date of Decision: 14-12-1995

JUDGEMENT

1. Rule. Mr. K.C. Shah waives service of rule on behalf of respondent nos.1 and 2-original plaintiffs. By consent and at the request of learned counsel for the parties, rule is taken up for hearing today.

2. Leave to amend is granted so as to delete respondent nos.3 and 4.

3. As a result of the hearing, a consensus has been arrived at between the learned counsel. Consequently it is directed that the first defendant shall deposit in the trial court, latest by 28th February 1996, such amounts as may be necessary to make up the total amount of rent plus municipal taxes that may be due and payable upto that date. The defendant no.1 shall further file an undertaking in this court on or before 21st December 1995 to make a regular deposit in the trial court in respect of rent and municipal taxes that may become due from time to time in respect of the period commencing from 1st March 1996. On the first defendant complying with the aforesaid directions, the trial court may grant the said defendant liberty to defend the suit. It is clarified that the trial court may, while granting such leave, impose such conditions as may, in its opinion, be just and reasonable looking to the facts and circumstances of the case.

4. In view of the aforesaid directions learned counsel for the petitioner seeks permission to withdraw the present revision. Permission granted. Revision stands disposed of as withdrawn. Rule is discharged with no order as to costs.

5. The trial court is directed to dispose of the pending proceedings as expeditiously as possible.
